

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NORTON LILLY INT'L &
SECURITY SERVICES NORTHWEST, INC.

Plaintiff,

07 CV 4654

**MOTION (and SUPPORTING
DECLARATION) TO AMEND
THE CAPTION AND THE
ORDER APPOINTING SPECIAL
PROCESS SERVER TO SERVE
PROCESS PURSUANT TO
RULE 4(C) AND SCOPE
OF SERVICE**

NATIONAL NAVIGATION CO. &
LOUIS DREYFUS CORP.

Defendant(s).

-----X

Pursuant to 28 U.S.C. §1746, GEORGE M. CHALOS, Esq., declares under the
penalty of perjury:

1. I am a member of the Bar of the State of New York, and admitted to practice before
this Court, and am a Member of the firm of CHALOS, O'CONNOR & DUFFY, L.L.P., attorneys
for the plaintiffs in this action.

2. I am fully familiar with the matters set forth in this declaration, which is submitted in
support of plaintiffs' application to amend the caption and application pursuant to Rule 4(c) of the
Federal Rules of Civil Procedure for an Order appointing any associate or paralegal or agent of
CHALOS, O'CONNOR & DUFFY, L.L.P., in addition to the United States Marshal, to serve a
Process of Maritime Attachment and Garnishment upon the named garnishee(s) listed therein, as
well as any other garnishee(s) who (based upon information developed subsequent hereto) may
hold assets of, for, or on behalf of the defendant National Navigation CO..

3. On or about June 1, 2007, the plaintiffs initiated this action with the filing of a Verified Complaint and Application for an Order Appointing a Special Process Server. These documents are attached hereto as Exhibits "A" and "B," respectively.

4. Thereafter, on June 5, 2007, this Honorable Court issued an Order Appointing a Special Process Server, a copy of which is attached hereto as Exhibit "C."

5. On or about June 19, 2007, the plaintiffs filed a Notice of Voluntary Dismissal and Order, as to the action against defendant Louis Dreyfus, Corp. Said Order was executed by this Honorable Court on July 5, 2007. A copy of the Order is attached hereto as Exhibit "D."

6. Plaintiffs now seek to have the caption amended to accurately reflect the parties who remain in this action, subsequent to the aforementioned Voluntary Dismissal and resulting Order (attached hereto as Exhibit "D").

7. Additionally, plaintiffs are desirous of serving the Process of Maritime Attachment and Garnishment on the garnishee(s) with all deliberate speed so that it will be fully protected against the possibility of the defendant not satisfying the claim plaintiffs have against the defendant.

8. The associates or paralegals or agents with the firm of CHALOS, O'CONNOR & DUFFY, L.L.P., who will be so designated, are over 18 years of age, and are not a party to this action.

9. To the extent that the Application for an Order Appointing a Special Process Server with respect to this attachment and garnishment does not involve a restraint of physical property, there is no need to require that the service be effected by a U.S. Marshal as it simply involves the delivery of process to the garnishee(s) who are believed to be in possession of the defendant's tangible or intangible property.

10. Plaintiffs also request that the Court grant their leave to serve any additional garnishee(s) who may be discovered during the course of this litigation to be holding property of the defendant, within this District. By obtaining leave at this time to serve these other possible garnishees, it will facilitate prompt service of the Process without the need to return to the Court for permission to amend the process to simply name other garnishees.

11. In addition, and to avoid the need to repetitively serve the garnishee(s)/banking institutions, plaintiffs respectfully seek leave, as embodied in the accompanying orders, for any process served on a garnishee to be deemed effective and continuous throughout any given day.

12. For the foregoing reasons, I respectfully request that this Court issue an Order to amend the caption to accurately reflect the remaining parties to the action and to appoint said associates, paralegals or agents of CHALOS, O'CONNOR & DUFFY, L.L.P. to serve the Process of Maritime Attachment and Garnishment upon the Garnishees listed in the in Process, and any other garnishee(s) who we learn hold assets of the defendant.

Dated: Port Washington, New York
July 27, 2007

CHALOS, O'CONNOR & DUFFY, L.L.P.
Attorneys for Plaintiff
NORTON LILLY INT'L &
SECURITY SERVICES NORTHWEST, INC.

By: 

George M. Chalos (GC-8693)
366 Main Street
Port Washington, New York 11050
Tel: (516) 767-3600
Fax: (516) 767-3605
Email: gmc@codus-law.com

MOTION (AND SUPPORTING
DECLARATION) TO AMEND THE
CAPTION AND THE ORDER
APPOINTING SPECIAL PROCESS
SERVER TO SERVE PROCESS
PURSUANT TO RULE 4(C) AND
SCOPE OF SERVICE

EXHIBIT A

Judge Pauley**07 CV****4654**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NORTON LILLY INT'L &
SECURITY SERVICES NORTHWEST, INC.

Plaintiff,

-v-

07 CV

JUN 01 2007

VERIFIED COMPLAINT

NATIONAL NAVIGATION CO. &
LOUIS DREYFUS CORP.,

Defendant(s).
-----X

Plaintiff, NORTON LILLY INT'L and SECURITY SERVICES NORTHWEST, INC. (hereinafter "Plaintiffs"), by its attorneys, CHALOS, O'CONNOR & DUFFY, L.L.P., and GORDON, THOMAS, HONEYWELL, MALANCA, PETERSON & DAHEIM, L.L.P. as and for its Verified Complaint against Defendant LOUIS DREYFUS CORP. and Defendant NATIONAL NAVIGATION CO., (hereinafter "Defendants"), alleges upon information and belief as follows:

JURISDICTION

1. The Court has subject matter jurisdiction by virtue that the underlying claim herein is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and within the admiralty and maritime jurisdiction of this Court under 28 U.S.C. § 1333.

THE PARTIES

2. At all times material hereto, Plaintiff, NORTON LILLY INT'L, was and still is a domestic business entity duly organized and existing pursuant to the laws of the

State of Washington, with an office and principal place of business at 1201 First Ave. South, Suite 330, Seattle, WA. 98134.

3. At all times material hereto, Plaintiff, SECURITY SERVICES NORTHWEST, INC., was and still is a domestic business entity duly organized and existing pursuant to the laws of the State of Washington, with an office and principal place of business at 2131 Clay Street, Port Townshend, WA. 98368.

4. At all times material hereto, Defendant, NATIONAL NAVIGATION CO., was and still is a foreign business entity duly organized and existing pursuant to the laws of a foreign country, with an office and principle place of business at 4 El Hagaz St. Roxy Heliopolis, Cairo, Egypt.

5. At all times material hereto, Defendant, LOUIS DREYFUS CORP., was and still is a foreign business entity duly organized and existing pursuant to the laws of a foreign country, with an office and principle place of business at 87 Avenue de la Grande Armee, 75782, Paris Cedex 16.

FACTS AND CLAIM

6. On or about 12 March 2006, NORTON LILLY INT'L, acting at the request of, and as husbanding agent for, NATIONAL NAVIGATION CO. (registered owner of M/V EDFU), and LOUIS DREYFUS CORP. (charterer of M/V EDFU), procured necessary services required for operation of said vessel (pursuant to United States Coast Guard Order 06-26 of the Captain of the Port Puget Sound, Seattle, WA.).

7. Pursuant to the terms and conditions of the agreement, US\$25,972.30 remains undisputedly due and owing to SECURITY SERVICES NORTHWEST, INC. and/or

8. Despite repeated demands for payment of the outstanding balance, Defendants NATIONAL NAVIGATION CO. and LOUIS DREYFUS CORP., have failed, neglected and/or otherwise refused to pay, SECURITY SERVICES NORTHWEST, INC.

BASIS FOR ATTACHMENT

9. Defendant cannot be found within this district within the meaning of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, but the Defendant is believed to have or will have during the pendency of this action, certain assets, accounts, freights, monies, charter hire, credits, effects, payment for bunkers, goods or services, bills of lading, cargo and the like belonging to or claimed by the Defendant within this District held by various parties, as garnishees, including by not limited to electronic fund transfers.

10. Plaintiffs believe that some of these assets, to wit: bank accounts; payments from the purchasers of cargoes; freight and/or hire payments to or from owners of vessels, or charterers, to Defendants NATIONAL NAVIGATION CO. and LOUIS DREYFUS CORP. and/or Clearing House Interbank Payment System (CHIPS) credits or funds being transferred through intermediary banks, are located in this District in the possession of garnishees, including ABN AMRO BANK, American Express Bank, Bank of America, Bank of China, Bank of New York, Bank of Tokyo Mitsubishi Ltd., Barclay's Bank, BNP Paribas SA, Calyon, Calyon Financial, Inc., Chase Manhattan Bank, Citibank N/A, Credit Suisse Securities (USA) LLC, Deutsche Bank, HSBC (USA), JP Morgan Chase Bank, Mashreqbank, Societe Generale, Standard Chartered Bank, UBS

AG, U.S. Bank, Wachovia Bank, Wells Fargo Bank, CHIPS and possibly other banks or financial institutions located in New York.

WHEREFORE, Plaintiffs pray:

A. That process in due form of law issue against the Defendant, citing them to appear and answer under oath all, and singular, the matters alleged in the Verified Complaint;

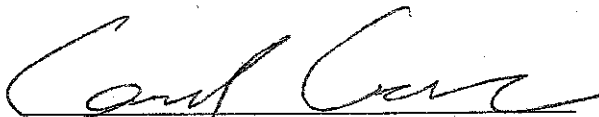
B. That since the Defendant cannot be found within the District, as set forth in the Declaration of George M. Chalos, and pursuant to Rule B and Rule E of the Supplemental Rules of Certain Admiralty and Maritime Claims, this Court issue an Order directing the Clerk of Court to issue Process of Maritime Attachment and Garnishment pursuant to Rule B and Rule E of the Supplemental Rules for Certain Admiralty and Maritime Claims, attaching all of Defendant's tangible or intangible property or any other funds held by any garnishees in the district which are due and owing, or other property of the Defendant, up to the amount of US\$51,944.60 to secure and satisfy the Plaintiffs' claims, and that all persons claiming any interest in the same be cited to appear and pursuant to Supplemental Admiralty Rule B and Rule E answer the matters alleged in the Complaint;

C. That Plaintiffs may have such other, further and different relief as may be just and proper.

Dated: Port Washington, New York
June 1, 2007

CHALOS, O'CONNOR & DUFFY, L.L.P.
Attorneys for Plaintiffs
NORTON LILLY INT'L &
SECURITY SERVICES NORTHWEST, INC.

By:



George M. Chalos (GC-8693)
366 Main Street
Port Washington, New York 11050
Tel: (516) 767-3600
Fax: (516) 767-3605
Email: gmc@codus-law.com

and

Erik R. Grotzke, Esq.
**GORDON, THOMAS, HONEYWELL,
MALANCA, PETERSON & DAHEIM, L.L.P.**
Of Counsel
1201 Pacific Ave.
Suite 2100
Tacoma, Washington. 98401
Tel: (253) 620-6467
Fax: (253) 620-5565
Email: egrotzke@gth-law.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NORTON LILLY INT'L &
SECURITY SERVICES NORTHWEST, INC.

Plaintiff,

07 CV

-v-

**VERIFICATION OF
COMPLAINT**

NATIONAL NAVIGATION CO. &
LOUIS DREYFUS CORP.,

Defendant(s).

-----X
Pursuant to 28 U.S.C. §1746, GEORGE M. CHALOS, Esq., declares under the penalty of
perjury:

1. I am a Member of the law firm of CHALOS, O'CONNOR & DUFFY, L.L.P.,
counsel for the Plaintiffs, NORTON LILLY INT'L and SECURITY SERVICES NORTHWEST,
INC., hereinafter (Plaintiffs).

2. I have read the foregoing Verified Complaint and know the contents thereof; and

3. I believe the matters to be true based on documents and information obtained
from employees and representatives of the Plaintiffs through agents, underwriters and attorneys
of same.

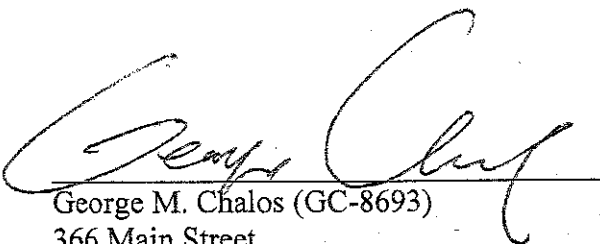
4. The reason that this verification was made by deponent and not by the Plaintiffs is
because Plaintiffs are domestic corporations, whose officers are not in this district, and whose
verification cannot be obtained within the time constraints presented by the circumstances of this
case.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Port Washington, New York
June 1, 2007

CHALOS, O'CONNOR & DUFFY, L.L.P.
Attorneys for Plaintiffs
NORTON LILLY INT'L &
SECURITY SERVICES NORTHWEST, INC.

By:

A handwritten signature in dark ink, appearing to read "George Chalos", is written over a horizontal line.

George M. Chalos (GC-8693)
366 Main Street
Port Washington, New York 11050
Tel: (516) 767-3600
Fax: (516) 767-3605
Email: gmc@codus-law.com

MOTION (AND SUPPORTING
DECLARATION) TO AMEND THE
CAPTION AND THE ORDER
APPOINTING SPECIAL PROCESS
SERVER TO SERVE PROCESS
PURSUANT TO RULE 4(C) AND
SCOPE OF SERVICE

EXHIBIT B

Judge Pauley**07 CV****4654**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NORTON LILLY INT'L &
SECURITY SERVICES NORTHWEST, INC.

Plaintiff,

07 CV

v.

**APPLICATION FOR AN
ORDER APPOINTING A
SPECIAL PROCESS SERVER
TO SERVE PROCESS
PURSUANT TO RULE 4(C) AND
SCOPE OF SERVICE**

NATIONAL NAVIGATION CO. &
LOUIS DREYFUS CORP.

Defendant(s).

-----X

Pursuant to 28 U.S.C. §1746, GEORGE M. CHALOS, Esq., declares under the
penalty of perjury:

1. I am a member of the Bar of the State of New York, and admitted to practice before
this Court, and am a Member of the firm of CHALOS, O'CONNOR & DUFFY, L.L.P., attorneys
for the plaintiff in this action.

2. I am fully familiar with the matters set forth in this declaration, which is submitted in
support of plaintiff's application pursuant to Rule 4(c) of the Federal Rules of Civil Procedure for an
Order appointing any associate or paralegal or agent of CHALOS, O'CONNOR & DUFFY, L.L.P.,
in addition to the United States Marshal, to serve a Process of Maritime Attachment and
Garnishment upon the named garnishee(s) listed therein, as well as any other garnishee(s) who
(based upon information developed subsequent hereto) may hold assets of, for, or on behalf of the
defendants.

3. The associates or paralegals or agents with the firm of CHALOS, O'CONNOR & DUFFY, L.L.P., who will be so designated, are over 18 years of age, and are not a party to this action.

4. Plaintiffs are desirous of serving the Process of Maritime Attachment and Garnishment on the garnishee(s) with all deliberate speed so that it will be fully protected against the possibility of the defendants not satisfying the claim plaintiffs have against the defendants.

5. To the extent that the Application for an Order Appointing a Special Process Server with respect to this attachment and garnishment does not involve a restraint of physical property, there is no need to require that the service be effected by a U.S. Marshal as it simply involves the delivery of process to the garnishee(s) who are believed to be in possession of the defendants' tangible or intangible property.

6. Plaintiffs also request that the Court grant it leave to serve any additional garnishee(s) who may be discovered during the course of this litigation to be holding property of the defendants, within this District. By obtaining leave at this time to serve these other possible garnishees, it will facilitate prompt service of the Process without the need to return to the Court for permission to amend the process to simply name other garnishees.

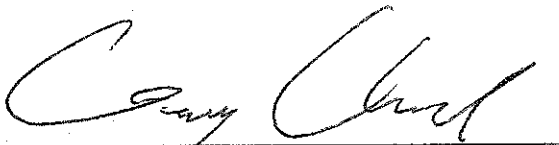
7. In addition, and to avoid the need to repetitively serve the garnishee(s)/banking institutions, plaintiffs respectfully seek leave, as embodied in the accompanying orders, for any process served on a garnishee to be deemed effective and continuous throughout any given day.

8. For the foregoing reasons, I respectfully request that this Court appoint said associates, paralegals or agents of CHALOS, O'CONNOR & DUFFY, L.L.P. to serve the Process of Maritime Attachment and Garnishment upon the Garnishees listed in the in Process, and any other garnishee(s) who we learn hold assets of the defendants.

Dated: Port Washington, New York
June 1, 2007

CHALOS, O'CONNOR & DUFFY, L.L.P.
Attorneys for Plaintiff
NORTON LILLY INT'L &
SECURITY SERVICES NORTHWEST, INC.

By:



George M. Chalos (GC-8693)
366 Main Street
Port Washington, New York 11050
Tel: (516) 767-3600
Fax: (516) 767-3605
Email: gmc@codus-law.com

MOTION (AND SUPPORTING
DECLARATION) TO AMEND THE
CAPTION AND THE ORDER
APPOINTING SPECIAL PROCESS
SERVER TO SERVE PROCESS
PURSUANT TO RULE 4(C) AND
SCOPE OF SERVICE

EXHIBIT C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CV 4654

-----X
NORTON LILLY INT'L &
SECURITY SERVICES NORTHWEST, INC.

Plaintiff,

-v-

NATIONAL NAVIGATION CO. &
LOUIS DREYFUS CORP.

Defendant.
-----X

07 CV

**ORDER APPOINTING A
SPECIAL PROCESS SERVER**

An application having been made by Plaintiff for an Order Appointing a Special Process Server pursuant to Rule 4(c) of the Federal Rules of Civil Procedure,

NOW, on reading and filing the declaration of George M. Chalos, Esq., sworn to the 1st day of June, 2007, and good cause having been shown, it is hereby

ORDERED, that any associate, agent or paralegal of CHALOS, O'CONNOR & DUFFY, L.L.P., who is over the age of 18 and is not a party to this action, be and is hereby appointed, in addition to the United States Marshal, to serve the Process of Maritime Attachment and Garnishment and Verified Complaint upon garnishee(s) listed in the Order, together with any other garnishee(s) who, based upon information developed subsequent hereto by the plaintiff, may hold assets for or on account of the defendant; and,

IT IS FURTHER ORDERED, that in order to avoid the need to repetitively serve the garnishee(s)/banking institutions continuously throughout the day, any copy of the Process of Maritime Attachment and Garnishment that is served on any of the garnishees herein is deemed effective and continuous throughout any given day.

Dated: New York, New York
June 5, 2007

SO ORDERED
CLERK

A CERTIFIED COPY
J. MICHAEL McMAHON,

BY

DEPUTY CLERK

U.S.D.J.

MOTION (AND SUPPORTING
DECLARATION) TO AMEND THE
CAPTION AND THE ORDER
APPOINTING SPECIAL PROCESS
SERVER TO SERVE PROCESS
PURSUANT TO RULE 4(C) AND
SCOPE OF SERVICE

EXHIBIT D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NORTON LILLY INT'L AND SECURITY SERVICES :
NORTHWEST, INC., :

Plaintiff,

- against -

NATIONAL NAVIGATION CO. &
LOUIS DREYFUS CORP.,

Defendant.
_____X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/6/07

07 Civ. 4654 (WHP)

**NOTICE OF VOLUNTARY
DISMISSAL AND ORDER**

PLEASE TAKE NOTICE that the above-entitled action is hereby voluntarily dismissed without prejudice by Plaintiff as to Defendant LOUIS DREYFUS CORP., pursuant to Rule 41(a)(1) of the Rules of Civil Procedure for the United States District Courts. No costs are to be assessed to any party.

FURTHERMORE, all property, including assets, accounts, electronic fund transfers, funds, etc., of Defendant LOUIS DREYFUS CORP, currently attached and held by any and all garnishee banks pursuant to the Court's Order for Issuance of Process of Maritime Attachment, dated June 5, 2007, and corresponding Process of Maritime Attachment and Garnishment are to be released as to this Defendant only and said attachments are to be considered vacated. This Order does not in any way alter, amend and/or vacate the pending action and/or the June 5, 2007 Order with respect to Defendant NATIONAL NAVIGATION CO.

SO ORDERED:

[Signature]
WILLIAM H. PATNEY III U.S.D.J.

7/5/07

Dated: Port Washington, New York
June 19, 2007

CHALOS O'CONNOR & DUFFY, LLP
Attorneys for Plaintiff
NORTON LILLY INT'L AND SECURITY
SERVICES NORTHWEST, INC.,

By: 

George M. Chalos (GC-8693)
366 Main Street
Port Washington, New York 11050
Telephone No. (516) 767-3600
Fax: (516) 767-3605
Email: gmc@codus-law.com

and

Erik R. Grotzke, Esq.
GORDON, THOMAS, HONEYWELL,
MALANCA, PETERSON & DAHEIM, L.L.P.
Of Counsel
1201 Pacific Ave.
Suite 2100
Tacoma, Washington. 98401
Tel: (253) 620-6467
Fax: (253) 620-5565
Email: egrotzke@gth-law.com

~~SO ORDERED:~~

~~Judge William H. Pauley, III, U.S.D.J.~~

~~7/3/07~~